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REMARKS

This amendment has been amended to make it compliant. More specifically, claims 15 to 20 have been amended to show the deleted subject matter by strikethrough instead of by brackets.

Please amend the application as follows:

In the claims:

Amend claims 1, 2 and 15 to 20 in the manner shown in the CLAIM AMENDMENTS.

Claims 1 to 22 remain in the application.

Claims 1 and 15 to 20 have been amended to more clearly define the invention and to more explicitly distinguish the invention over the prior art cited by the examiner. Claims 15 to 20 have also been amended to use language conforming to the language used in the specification. Claim 2 has been amended to make the claim properly dependent on claim 1.

The examiner is respectfully requested to reconsider his rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by US Pat. 6,061,957 to Takashima. Claim 1 now calls for an annular plant support wall to form a generally annular enclosure. This annular wall is said to have an opening therein providing access both to the annular enclosure and to the inner surface of the wall. Pat. '957 does not disclose such a wall. If tube 44 in Fig. 2 of the patent is taken as providing the annular wall, this wall has no opening therein to the interior thereof. If walls 66, 70 and 68 in Fig. 2 of the patent are taken as equivalent to applicant's wall, these walls do not define an annular wall. An annular wall is one formed between inner and outer cylinders and the walls 66, 70, 68 are not cylindrical.

Claim 1 now also calls for mounting means on the inner surface of the annular wall for use in supporting plants within

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the enclosure. Pat. '957 shows no equivalent structure. Pat. '957 mounts the plants outside of the annular wall of the tube 44 so no mounting means are required inside the tube on its inner surface. Since claim 1 has the features of an opening in an annular wall providing access to within the wall, and mounting means on the inner surface of the annular wall, both of which features are not shown in the patent, it is believed that claim 1 is not now anticipated by patent '957 and the rejection under 35 U.S.C. 102(b) in view of this patent should be withdrawn.

Applicant's growing unit provides an annular wall in the center of which, along its longitudinal axis, is a light source. The plants, mounted on the inner surface of the annular wall, all directly face the light source and are generally equidistant from it. In Pat. '957, the plants are mounted outside the tube 44 and all face away from the light source. It is hard to see how light in this patent can pass from the light source to reach the reflector to shine back on the exposed part of the plants since the root bags 98 holding the plants appear to be directly between the light source and the plants. However, if some light can pass by the root bags, a reflector is needed to reflect the light back onto the plants. Applicant's unit, having the plants on the inner surface of the annular wall directly facing the light source is much simpler and more efficient than the unit in Pat. '957.

Applicant's annular wall also has the advantage of protecting the plants since they are inside the wall. In the unit shown in Pat. '957, the plants are outside the annular tube 44 within stalls and a further outside enclosure comprising walls 66, 68 and 70 is needed to provide protection to the plants. Thus the unit in the Pat. 957 is much more complicated in construction than applicant's unit and thus more expensive.

The examiner is also requested to reconsider his rejection of claims 2-5, 10, 11, 15-20 under 35 U.S.C. 103(a) as being

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unpatentable over Pat. '957 in view of JP 401148131A. These claims are all dependent either directly or indirectly on claim 1. claim 1 is believed to patentably distinguish over Pat. '957 applied under 35 U.S.C. 103(a) in calling for an annular wall having an opening therein to provide access to the annular space enclosed by the wall and to provide access to the inner surface of the wall. Pat. '957 does not disclose such a wall. claim 1 also calls mounting means on the inner surface of the annular wall for use in supporting plants on the wall. Pat. '957 does not disclose any mounting means on the inner surface of an annular wall. Applicant's construction faces the plants inwardly toward the light whereas the unit in Pat. '957 faces the plants outwardly away from the light. Since claim 1 calls for features not shown, or even suggested, by Pat. '957, and since claims 2-5, 10, 11, 15-20 are all dependent on claim 1 it is believed that these claims patentably distinguish over the cited art for the same reasons. The rejection of these claims under 35 U.S.C. 103(a) is therefore not well taken and should be withdrawn.

The examiner is further requested to reconsider the rejection of claims 6-9, 12-14 under 35 U.S.C. 103(a) as being unpatentable over Pat. '957 as modified by JP Pat. '131 and further in view of U.S. Pat. 5,228,235. Again, these claims are dependent indirectly on claim 1 and since claim 1 is believed to patentably distinguish over Pat. '957 as applied under 35 U.S.C. 103(a) for the reasons given in the preceding paragraph, claims 6-9, 12-14 are also believed to patentably distinguish thereover.

The examiner is also requested to reconsider his rejection of claims 21, 22 under 35 U.S.C. 103(a) as being unpatentable over '957 as modified by JP Pat. '131 and further in view of U.S. Pat. 3,458,951. Claims 21, 22 are dependent on claim 1 either

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directly or indirectly and since claim 1 is believed to patentably distinguish over Pat. '957 as applied under 35 U.S.C. 103(a) for reasons given in second last preceding paragraph, claims 21, 22 are also believed to patentably distinguish thereover.

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